ARTICLES

Charles Bagot	The Hon Sir Richard Blackburn OBE	365
Glenton Barton	The 'Disposal' of an 'Asset' — Sections 160A and 160M of Part IIIA of the Income Tax Assessment Act	435
Keith Bennetts	Bankruptcy: Its Consequences for Family Property	413
Adrian J Bradbrook	The Relevance of the Cujus Est Solum Doctrine to the Surface Landowner's Claims to Natural Resources Located Above and Beneath the Land	462
Brian Davis	The Marriage Amendment Act 1985 — The Reason Why	32
Fay Gale	Disadvantage and Discretion: The Results for Aboriginal Youth in Relation to the Adjournment Decision	348
Andrew Kedzoir	Short Selling in Australia	327
Justice MD Kirby	The Politics of Achieving Law Reform	315
Eve C Landau	Conciliation as a Mode of Settlement of Discrimination Complaints	258
Clem Lloyd	Not Peace but a Sword! — The High Court under JG Latham	175
GPJ McGinley	The Search for Unity: The Impact of Consensus Seeking Procedures in Appellate Courts	203
Kathleen Mack	The Impact of the Consent to Medical and Dental Procedures Act 1985 (SA) on Common Law Principles of Informed Consent in South Australia	448
Anthony P Moore	The Interpretation of the Real Property Act	405
Patrick Parkinson	Doing Equity Between De Facto Spouses: From Calverly v Green to Baumgartner	370

Fiona Patfield	The Modern Remedy of Account	1
JM Quinlan	Justices and the Instigation of Criminal Proceedings on Complaint	285
Roman Tomasic	Continuity and Change in the Sociology of Law	70
Varis Vitols	Petroleum Taxation in Australia: The Resource Rent Tax Bills 1986	140
CR Williams	Issues at the Penumbra of Hearsay	113
Joy Wundersitz	Disadvantage and Discretion: The Results for Aboriginal Youth in Relation to the Adjournment Decision	348

COMMENTS

Suzanne Corcoran	NCSC Discussion Paper on Insider Trading — Who Should be Considered an Insider?	83
Nicholas Iles	Curial Inconsistencies in the Doctor's Duty of Care	88
Simon Palk	The Courts v The Residential Tenancies Tribunal: Judicial Review by Any Other Name	215
AA Tarr	Subrogation and the Ash Wednesday Bushfire Disaster	232

BOOK REVIEWS

HA Amankwah	*The Law of the Land* by Henry Reynolds	488
Laurence Boulle	Maher, Waller and Derham, *Legal Process — Commentary and Materials* by Malcolm Smith and Kevin Pose	484
Bill Gammage	*Law Makers and Wayward Whigs* by Alex C Castles and Michael C Harris	359
Matthew Goode	*Drug Users and The Law in Australia* by T Carney	248

Philip McNamara	*The Administrative Appeals Tribunal and Policy Review* by JM Sharpe	245
Philip McNamara	*Evil Angels* by John Bryson and *Spies, Bombs and the Path of Bliss* by Tom Molomby	246
Elizabeth Naumczyk	*The Study of Law* edited by Jim Corkery	490
Neville Rochow	*Cross on Evidence* by David Byrne and JD Heydon	107

SUBJECT INDEX

Aborigines
criminal justice, 348
Reynolds: *The Law of the Land*, 488

Administrative Law
Sharpe: *The Administrative Appeals Tribunal and Policy Review*, 245

Bankruptcy
family property, 413

Commercial Law
securities
insider trading, 83
short selling, 327

Courts
consensus in appellate proceedings, 203
Latham's High Court, 175

Criminal Justice
aborigines, 348
Bryson: *Evil Angels*, 246
Molomby: *Spies, Bombs and the Path of Bliss*, 246

Criminal Law
instigation of proceedings, 285

Discrimination
settlement of complaints, 257

Drugs
Carney: *Drug Users and the Law in Australia*, 248

Equity
de facto spouses, 370

Evidence
Byrne and Heydon: *Cross on Evidence*, 107
hearsay, 113

Family Law
family property, bankruptcy, 413
de facto spouses, equity and, 370
Marriage Amendment Act 1985, 32

Insurance Law
subrogation, 232

Law Reform
achieving, politics of, 315

Legal Education
Corkery: *The Study of Law*, 490
Smith and Pose: Maher, Waller and Derham, *Legal Process — Commentary and Materials*, 484

Legal History
Castles and Harris: *Lawmakers and Wayward Whigs*, 359

Property Law
cujus est solum doctrine, 462
Torrens indefeasibility, 405

Remedies
account of profits, 1

Sociology
of law, 70

Taxation
capital gains tax, 435
Resource Rent Tax Bills 1986, 140

Tenancy Law
Residential Tenancies Act 1978 (SA), 215

Torts
informed consent, 448
negligence, medical practitioners, 88

Tribute
Sir Richard Blackburn, 365

TABLE OF CASES

Only cases discussed in the text are included. Cases forming the basis of an article or comment are shown in bold type.

AFG Insurances Ltd v City of Brighton (1972) 126 CLR 655 235
Acton v Blundell (1843) 12 M & W 324; 152 ER 1223 469
Alexander v R (1981) 55 ALJR 355 128
Allen v Snyder [1977] 2 NSWLR 685 395
Anchor Brewhouse Developments Ltd v Berkley House (Dockland) Development Ltd (1987) 284 EG 625 478
Attorney General v Good (1825) M'Cle and Yo 286; 148 ER 421 128
Australian Communist Party v Commonwealth (1951)83 CLR 1 199
Australian Workers Union v Bowen (1946) 72 CLR 575 241
Bailey, Re [1977] 2 All ER 26 427
Barriga v Barriga (No 2) (1981) FLC 91-987 65
Barton v The Official Receiver (1986) 66 ALR 355 420
Battersby v Tottman (1985) 37 SASR 524 102
Baumgartner v Baumgartner (1988) 62 ALJR 29 386
Belajev, Re (1979) 22 SASR 1 217
Bolam v Friern Hospital Management Committee [1957] 1 WLR 582 91
Brook v Brook (1861) 11 ER 703 39
Calverley v Green (1985) 59 ALJR 111 374,426
Case of Mines (1568) 1 Plow 310; 75 ER 472 463
Chandrasekera v R [1937] AC 220 126
Chapman v Roach (unreported, SA Supreme Court No 424, 13/8/86) 223
Cliffs Robe River Iron Associates v Collector of Customs (AAT, W84/14) 160
Colbeam Palmer Ltd v Stock Affiliates Pty Ltd (1968) 122 CLR 25 4
Cole, In re [1964] 1 Ch 17 416
Davies v Bennison (1927) 22 Tas LR 52 476
De Vitre v Betts (1873) LR 6 HL 319 4
Debtor, Re a [1965] 3 All ER 453 424
Densham, Re [1975] 1 WLR 1519 423
Distillers Co Biochemicals (Aust) Pty Ltd v Ajax Insurance Co Ltd (1973) 130 CLR 1 242
Dixon v Wells (1890) 25 QBD 249 293
Dowling v Scarf (1975) 1 ACLR 248 333
Dubiner v Cheerio Toys & Games Ltd (1966) 55 DLR (2d) 240 21
Edward Young & Co v Stanley Silverwood Holt (1948) 65 RPC 25 9
Electronic Rentals Pty Ltd v Anderson (1971) 124 CLR 27 294
F v R (1983) 33 SASR 189 101,450
Farey v Burvett (1916) 21 CLR 433 193
Federal Commissioner of Taxation v BHP Co Ltd (1969) 120 CLR 240 153
Federal Commissioner of Taxation v ICI Australia Ltd (1972) 127 CLR 529 156
Federal Commissioner of Taxation v Northwest Iron Co Ltd (1986) 86 ATC 4202 157
Gaio v R (1960) 104 CLR 419 127
Garrity v Rural Mutual Insurance Co 77 Wis 2d 537; 253 NW 2d 512 (1977) 234
Gartner v Kidman (1962) 108 CLR 12 470
Globe & Rutgers Fire Insurance Co v Truedell [1927] 2 DLR 659 234
Godfrey v Saunders (1770) 3 Wils KB 73; 95 ER 940 2

Goode v Nash (1979) 21 SASR 419 100
Goold v Clemente (unreported, SA District Court No 2255, 18/7/86) 228
Gover v Perriam (1985) 39 SASR 543 451
Graham v KD Morris & Sons Pty Ltd [1974] Qd R 1 477
Grant v Edwards [1986] Ch 638 402
H Cousins & Co Ltd v D & C Carriers Ltd [1971] 2 QB 230 240
Harbutt's Plasticine Ltd v Wayne Tank & Pump Co Ltd [1970] 1 QB 447 240
Hogg v Kirby (1803) 8 Ves Jun 215; 32 ER 336 2
Hohol v Hohol [1981] VR 221 402
Holliday, Re [1980] 3 All ER 385 428
Holloway v McFeeters (1956) 94 CLR 470 135
Howie v Gordon (1985) 122 LSJS 1 311
Howie v Scheer (1984) 114 LSJS 286 310
Jack v Smail (1905) 2 CLR 684 419
Jones v Sutherland Shire Council [1979] 2 NSWLR 206 136
Kelsen v Imperial Tobacco Co (of Great Britain and Ireland) Ltd [1957] 2 QB 334 476
Lang v Warner (1975) 10 SASR 289 290
Lawrence v Lawrence [1985] Fam 106 66
Leplastrier and Co Ltd v Armstrong Holland Ltd (1926) 26 SR (NSW) 585 16
Lever Brothers, Port Sunlight, Ltd v Sunniwhite Products Ltd (1949) 66 RPC 84 7
Lloyd v Powell Duffryn Steam Coal Co Ltd [1914] AC 733 129
Lord Bernstein of Leigh v Skyviews and General Ltd [1978] QB 479 477
Lowrie, Re [1981] 3 All ER 353 428
MacDonald v Reicht (1984) 36 SASR 295 218
Maynard v West Midlands Regional Health Authority [1984] 1 WLR 634 91
Meade, Re [1951] Ch 774 432
Mette v Mette (1859) 164 ER 792 45
Miller v Teale (1954) 92 CLR 406 56
Morris v Morris [1982] 1 NSWLR 61 401
Mandae v Lowcock (1982) 101 LSJS 110 310
Muschinski v Dodds (1986) 60 ALJR 52 376
My Kinda Town Ltd v Soll [1982] 8 FSR 147 22
Myers v DPP [1965] AC 1001 117
Neilson v Betts (1871) LR 5 HL 1 4
Nichols v Nichols [1987] DFC 95-042 388
O'Brien (Inspector of Taxes) v Benson's Hosiery (Holdings) Ltd [1978] 3 WLR 609 439
Official Receiver v Marchiori (1983) 69 FLR 290 422
Osborne v Australian Mutual Growth Fund [1972] 1 NSWLR 100 331
Paine, Re [1940] Ch 46 58
People v Bush 133 NE 201 (1921) 137
Perrini v Perrini [1979] Fam 84 63
Peter Pan Manufacturing Corp v Corsets Silhouette Ltd [1963] RPC 45 24
Pickering v Rudd (1815) 4 Camp 219; 171 ER 70 475
Player, Re; ex parte Harvey (1885) 15 QBD 682 418
Posner v Collector for Inter-State Destitute Persons (1946) 74 CLR 461 307

Price's Patent Candle Co Ltd v Bauwen's Patent Candle Co Ltd (1858) 4 K & J 727; 70 ER 302 5
Pugh v Pugh [1951] 2 All ER 680 59
Qantas Airways Ltd, Ex parte; Re Horsington (1969) 14 FLR 289 292
R v Blastland [1985] 3 WLR 345 124
R v Fialoa; Ex parte Coles (1986) 134 LSJS 41 299
R v Hissey (1973) 6 SASR 280 135
R v Kelly (1975) 12 SASR 389 121
R v McLean (1967) 52 Cr App R 80 127
R v Manchester Stipendiary Magistrate; Ex parte Hill [1983] 1 AC 328 296
R v Manos; Ex parte Samuels (1981) 28 SASR 262 298
R v O'Brien (1977) 76 DLR (3d) 513 133
R v Patel [1981] 3 All ER 94 132
R v Penno (1977) 35 CCC (3d) 266 127
R v Rice [1963] 1 QB 857 121
R v Scott; ex parte Church [1924] SASR 221 289
R v Sharkey (1949) 79 CLR 121 197
R v Shone (1983) 76 Cr App R 72 132
R v Steel (1981) 73 Cr App R 173 128
R v Williams (1985) 18 CCC (3d) 356 125
R v Wysochan (1930) 54 CCC 172 136
Radwan v Radwan (No 2) [1973] Fam 35 61
Ratten v R [1972] AC 378 122
Riches v Hogben [1986] 1 Qd R 315 400
Sczechter v Karsov [1971] P 286 60
Shell Co v Kenpark (unreported, SA Supreme Court No 420, 29/3/85) 220
Sidaway v Governors of Bethlem Royal Hospital [1984] QB 493, [1985] AC 871 93
Siddell v Vickers (1892) 9 RPC 12 1
Simonin v Mallac (1860) 164 ER 917 34
Smith v London and South Western Railway Co (1854) Kay 408;69 ER 173 5
Sottomayor v De Barros (1877) 2 PD 81; (1877) 3 PD 1; (1879) 5 PD 94 49
Stankus v Stankus (1974) 9 SASR 20 64
State v Galvan 297 NW 2d 344 (1980) 137
Suria v Suria (1977) FLC 90-305 64
Sussex Peerage Case (1844) 11 Cl & Fin 85; 8 ER 1034 132
Teper v R [1952] AC 480 114
Thompson v Manhattan Railway Co 42 NY (Supp) 896 (1896) 137
Turner, Re [1975] 1 All ER 5 427
Utz v Javor [1973] 2 NSWLR 1 332
Vervaeke v Smith (Messina and A-G intervening) [1981] Fam 77; [1982] 2 All ER 144 54
Waltons Stores v Maher (1988) 76 ALR 513 399
Wandsworth Board of Works v United Telephone Co (1884) 13 QBD 904 476
Western Mining Corporation Ltd v Collector of Customs, WA (AAT, W83/13) 161
Wicklow Enterprises Pty Ltd v Doysal Pty Ltd (1986) 45 SASR 247 405
Williams v Lloyd (1904) 50 CLR 341 419
Windle, Re [1975] 1 WLR 1628 425
Wright v Doe d Tatham (1837) 7 Ad & El 313; 112 ER 488 134

TABLE OF STATUTES

Only sections discussed in the text are included. Sections forming the basis of an article or comment are shown in bold type

Commonwealth

Bankruptcy Act 1966
s111, 432
s120, 418
s121, 421
Copyright Act 1968
s115, 16
Designs Act 1906
s32B, 14
Excise Act 1901
s78A, 160
Income Tax Assessment Act 1936
s122(1), 153
s160A, 438
s160M, 444
Insurance Contracts Act 1984
s67, 243
Marriage Amendment Act 1985
s13, 32
Patents Act 1952
s118(1), 13
Petroleum Resource Rent Tax Assessment Bill 1986
s19, 142
s20, 163
Petroleum Revenue Act 1985, 141
Securities Industry Act 1980
s14, 343
s42, 343
s68, 335
s68A, 344
Trade Marks Act 1955
s65, 12

New South Wales

Mining Act 1973
s188, 465
Petroleum Act 1955
s6, 468

Northern Territory

Control of Waters Act 1979, 472
Northern Territory (Self Government) Act 1978
s69(4), 467

Queensland

Mining Act 1968-1983
s110, 466

South Australia

Consent to Medical and Dental Procedures Act 1985
s8, 453
Justices Act 1921
s44, 300
s49, 286
s50, 286
s57a, 309
Form 4A, 310
Mining Act 1971
s16, 467
Real Property Act 1886
s69(II), 408
Residential Tenancies Act 1978
s7, 215
Supreme Court Act 1935
s30C, 238
Water Resources Act 1976, 472

Tasmania

Groundwater Act 1985, 472
Mining (Amendment) Act 1911, 467

Victoria

Groundwater Act 1969, 471
Mines Act 1958
s291, 465

Western Australia

Mining Act 1978-1987
s9(1), 467

Australian Stock Exchange

Business Rule 6.18, 339

International Labor Organisation

Convention No 111, Discrimination in Employment and Occupation, 1958, 257